

II. GENERAL POLICIES APPLICABLE TO ALL ASSIGNED COUNSEL

1. Attorney Cooperation with Monitoring

Attorneys must cooperate with monitoring, performance evaluations and investigation of any complaints, including billing discrepancies by the Committee for Public Counsel Services or its designee.

2. Office and Telephone

The attorney must maintain an office easily accessible to the courts in which s/he provides assigned representation, as well as a means for regularly receiving collect telephone calls from clients.

3. Notification of Action or Complaints

The attorney must notify the Deputy Chief Counsel, Private Counsel Division, of any disciplinary action initiated against the attorney by the Board of Bar Overseers and of any criminal complaints, indictments or convictions.

4. Professional Relationship

The attorney must treat the client in a courteous and professional manner. Romantic or sexual contact between attorney and client, or between a supervising attorney and supervisee, is strictly prohibited.

5. Compensation

The attorney shall not accept any compensation or other consideration for assigned representation except through the Committee for Public Counsel Services. This rule applies to both indigent cases and marginally indigent cases. The attorney may not be retained in a case in which s/he was previously assigned.

6. Certification Requirements

Attorneys accepting cases for which they are not certified will not be paid for those cases.

7. Use of Interpreters

Courts are required to provide all non-English speaking clients with the services of a court-certified or professional interpreter at all court proceedings, regardless of the language skills of counsel. It is the responsibility of assigned counsel to make sure that the court provides such interpreter for his or her client.

The non-English speaking client should receive the services of a court-certified or professional interpreter for critical aspects of pretrial preparation, where defense counsel's fluency is below the standard for court certification. It is the responsibility of assigned counsel to insure the provision of a court-certified or professional interpreter pursuant to G.L. c.261, "27A-G. For such out-of-court interpreter services, the attorney must obtain funds from the court for such services approved by motion to the court.

8. Use of Associates and Paralegals

Assigned attorneys may not delegate to associates or paralegals the handling of continuances, hearings, or any part of a trial or oral argument. Delegation of prohibited tasks to associates or paralegals may be a violation of the CPCS Performance Guidelines and Standards. Attorneys may not delegate any associate or paralegal tasks to an attorney suspended by CPCS.

9. Liability insurance

Every attorney accepting assignments to represent indigent persons pursuant to G.L. c.211D must maintain professional liability (malpractice) insurance with a coverage amount of not less than \$100,000/\$300,000, and with a deductible of not more than \$10,000.